

REMARKS

Claims 87- 130 are pending, claims 1-86 having been canceled without prejudice herein. Please note that the original claims contained a numbering error and included a total of only 86 claims rather than claims 1-88 as identified in correspondence of the parent application. In the final Office Action of the parent application, claims 1-86 [88] were rejected under 35 U.S.C. §103(a) as being unpatentable over Henson (U.S. Patent No. 6,167,383) in view of Motomiya (U.S. Patent No. 6,083,267).

On June 23, 2003, an Examiner interview was held between Examiner Naeem Haq and Applicant's representatives Russell Scott and Mark Williams. The claims were discussed and Applicant agreed to submit the above amendments to clarify certain aspects of the claimed invention. In addition, pursuant to 37 CFR 1.105, Applicant agreed to submit additional information concerning the IEEE article "Test and Measurement" (hereinafter referred to as "LabVIEW").

Applicant respectfully submits that although the LabVIEW article pertains to software instrumentation that may create a virtual hardware product, the LabVIEW article, and the LabVIEW software in general, is unrelated to configuring a hardware system using an e-commerce system; hence, the article was not considered relevant for submission with an IDS. The LabVIEW article was published in early 1993, prior to the advancements in web supported e-commerce systems as claimed by Applicant. In other words, LabVIEW is not directed to configuring a hardware product in an e-commerce system at all, but to configuring a virtual instrument in software. Applicant includes herewith an IDS containing a patent that relates to the LabVIEW software.

Regarding the 103 rejection in the parent application, as the Examiner is certainly aware, the showing of a suggestion, teaching, or motivation to combine prior teachings "must be clear and particular Broad conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence'." *In re Dembiczak*, 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999). The *art* must fairly teach or suggest to one to make the specific combination as claimed – not the claims themselves. That one achieves an improved result by making such a combination is no more than hindsight without an

initial suggestion to make the combination. Thus, the § 103 rejection of the independent claims should be withdrawn if for these reasons only.

CONCLUSION

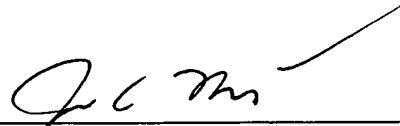
In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-40800/JCH.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☒ Preliminary Amendment
- ☒ RCE
- ☒ IDS and form PTO-1449 w/reference
- ☒ Fee Authorization

Respectfully submitted,



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